

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

CHARLES H. SCHMIDT, JR.,
et al.,

Plaintiffs,

v.

Civil Action No. 3:22cv404

CITY OF RICHMOND, et al.,

Defendants.

ORDER

Having considered the SECOND AMENDED COMPLAINT AND REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF ("Second Amended Complaint") (ECF No. 218), the DEFENDANT CITY OF RICHMOND'S MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT PURSUANT TO RULE 12(b)(6) (ECF No. 220), and the supporting, opposing and reply memoranda (ECF Nos. 221, 225, and 226); and finding that it is necessary that the Court be further informed on topics discussed, but not well-developed, therein, it is hereby ORDERED that the parties shall file Statements of Position addressing:

(1) Whether, at the times of each of the several events described as protests in the Second Amended Complaint and the memoranda, permits were required for the events and, if so, whether permits were obtained; and the effect on plaintiffs' claims of (a) the fact that the event was held pursuant to a permit; or (b) the fact that the event occurred without a required permit; and

(2) The applicable law by which to measure whether each plaintiff may be considered as a member of the press; and

(3) The applicable law addressing: (a) the obligations of members of the press to obey the instructions of law enforcement officers who are dealing with the specific events alleged in the Second Amended Complaint; and (b) the extent to which a member of the press can be considered to assume the risk of actions taken by law enforcement officers when those officers are dealing with the events (event by event) alleged in the Second Amended Complaint.

The following schedule obtains:

- Plaintiffs' Statement of Position
February 3, 2023
- Defendant's Statement of Position
February 17, 2023
- Plaintiffs' Reply Statement of Position
February 24, 2023

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: January 23, 2023